

Applicants : Scott Franson et al.  
 Serial No. : 09/854,997  
 Page : 11

### REMARKS

Applicants gratefully acknowledge the Examiner's review of the specification, claims, and drawings and indication of allowable subject matter. In light of the above amendments and following remarks, Applicants respectfully request reconsideration of the present application. The amendments presented herein are fully supported by the application as filed. No new matter has been entered.

### STATUS OF THE CLAIMS:

Claims 1-28, 30-34, 39, and 40 are pending in the application. Claims 29 and 35-38 have been previously cancelled. Claims 7-11, 13-28, and 30-34 are allowed. Claims 10 and 13 have been amended, however, to correct a minor punctuation error.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

The Examiner rejects Claims 1-5, 12, 39, and 40 under 35 U.S.C. § 102(b) as being anticipated by Johnson '289.

Applicants respectfully traverse. Notwithstanding, Applicants have amended Claims 1 and 3 to more clearly define Applicants' invention, which now calls for:

1. (currently amended)  
 A sprinkler head for a fire extinguishing system comprising:
  - a sprinkler body having an orifice, said orifice defining an inlet and an outlet;
  - a body extension attached to said sprinkler body and having an extending section extending below said outlet of said sprinkler body;
  - a retaining member positioned below said outlet and within said body extension, said retaining member mounted to be movable relative to said body extension and said sprinkler body;
  - a deflector movable between an activated position and a storage position within said body extension and having at least one support arm projecting therefrom, said retaining member coupled to said at least one support arm at a fixed distance from said deflector, said support arm movably disposed within said body

Applicants : Scott Franson et al.  
 Serial No. : 09/854,997  
 Page : 12

extension, wherein said deflector and said retaining member are positioned within said body extension when in said storage position;

a sealing assembly configured to sealingly engage said outlet of said sprinkler body, said sealing assembly movable from a closed position wherein said sprinkler head is inactive to an open position wherein said sprinkler head is activated; and

a trigger assembly carried by said body extension and operably connected with said sealing assembly and said deflector.

### 3. (currently amended)

A sprinkler head for a fire extinguishing system comprising:

a sprinkler body having an orifice, said orifice defining an inlet and an outlet;

a body extension attached to said sprinkler body and having an extending section extending below said outlet of said sprinkler body;

a retaining member positioned below said outlet and within said body extension, said retaining member mounted to be movable relative to said body extension and said sprinkler body;

a deflector movable between an activated position and a storage position within said body extension and having at least one support arm projecting therefrom, said retaining member coupled to said at least one support arm at a fixed distance from said deflector, said support arm movably disposed within said body extension, wherein said deflector and said retaining member are positioned within said body extension when in said storage position;

a sealing assembly configured to sealingly engage said outlet of said sprinkler body, said sealing assembly movable from a closed position wherein said sprinkler head is inactive to an open position wherein said sprinkler head is activated; and

a trigger assembly carried by said body extension and operably connected with said sealing assembly and said deflector, wherein said retaining member is captured by said extending section of said body extension when said sprinkler head is activated.

Applicants respectfully urge that Johnson does not disclose or suggest the claimed combination. "A claim is anticipated if only each and every limitation as set forth in the claim is found, either expressly or inherently, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2U.S.P.Q.2d 1051, 1053 (Fed. Cir.

Applicants : Scott Franson et al.  
 Serial No. : 09/854,997  
 Page : 13

1987). Furthermore, the identical invention must be shown as in complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully urge that Johnson do not disclose or suggest, for example, a retaining member positioned below the outlet of the sprinkler body. Nor does Johnson disclose or suggest a trigger assembly carried by the body extension operably connected with the sealing assembly and the deflector.

The Examiner identifies the Johnson retaining member as item 46, to attempt to read Johnson on the claimed invention. However, accepting such interpretation, the retaining member 46, therefore, does meet the other limitation that the retaining member is coupled to the at least one support arm at a fixed distance from the reflector. Should the Examiner attempt to correspond item 44 with the retaining member, then item 44 would not satisfy the requirement that the retaining member is positioned below the outlet of the sprinkler body. In addition, Applicants respectfully urge that Johnson does not disclose or suggest the trigger assembly operably connected with the sealing assembly and the deflector. In contrast, Johnson discloses a trigger assembly that is unconnected with either the sealing assembly or the deflector.

Furthermore, with respect to Claim 3, Applicants respectfully submit that Johnson does not disclose or suggest the retaining member captured by the extending section of the body extension when the sprinkler is activated.

Applicants : Scott Franson et al.  
Serial No. : 09/854,997  
Page : 14

Accordingly, Applicants respectfully submit that Claims 1 and 3 and their dependent claims, namely, Claims 2, 4, 5, 12, 39 and 40, are patentably distinguishable over Johnson alone or in combination with any other reference of record.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

The Examiner rejects Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Johnson '289.

Applicants respectfully submit that Claim 6 is patentably distinguishable over Johnson '289 for at least the reasons set forth above in reference to Claim 1. In addition, Johnson does not disclose or suggest a support arm, which projects from a deflector, with a generally larger shaped middle section. Further, Applicant respectfully submits that it would not be obvious to modify Johnson to meet the claimed combination since such a modification would prevent the Johnson deflector from moving as intended. Hence, such a modification would not be obvious.

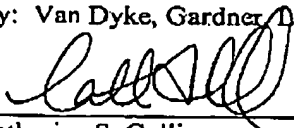
In light of the above amendments and remarks, Applicants respectfully reconsideration of the present application and a Notice of Allowance of all claims, namely Claims 1-28, 30-34, 39, and 40. Should the Examiner have any questions or comments, the Examiner is invited to contact the undersigned at (616) 975-5506.

Respectfully submitted,

SCOTT FRANSON ET AL.

By: Van Dyke, Gardner, Dinn and Burkhardt, LLP

Date: July 14, 2003

  
Catherine S. Collins  
Registration No. 37 599  
2851 Charlevoix Drive, S.E.  
P.O. Box 888695